

OCTOBER 19, 2011
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:30 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Craig Newcomer, C. Harold Mumma, Wayne Driscoll and Ronald Martin (Jason Stains was absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Cohen, Assistant Borough Manager
Mark King, Police Chief
Dave Martin, Fire Chief

PLEDGE OF ALLEGIANCE: Mayor Starliper led those present in the Pledge of Allegiance.

EXECUTIVE SESSION HELD: President Mumma announced that Council had held an executive session regarding the development west of town on Thursday (10/13) at 6:15 p.m.

ACCEPT REPORTS: Councilman Newcomer made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Martin seconded; the motion passed unanimously.

TRINITY PARKING LOT: President Mumma noted that several members of the audience were present regarding this item, and he welcomed their comments at this time. Those wishing to speak were asked to state their name and address for the record.

Patrick Fleagle, 109 Ridge Avenue - Mr. Fleagle noted that he was representing Mainstreet Waynesboro, Inc. (MSI), and has actively participated in meetings regarding the matter between the Borough and Trinity Church. He said that many of the downtown business people present can attest to the economic impact abandoning the Trinity parking lot would have on local businesses. He stated that one of downtown Waynesboro's biggest assets is parking. In fact, several neighboring towns have spent millions of dollars building parking garages to provide parking for their downtown areas; and Waynesboro is blessed with plenty of parking at minimal costs. Mr. Fleagle stated that the downtown commercial area is critical to the tax base of this community; and when that tax base deteriorates, the difference in taxes must be made up by homeowners. He reminded Council that the current downtown situation is a "reflection of the times"; but it will (hopefully) not last forever. If this parking lot is lost, it will reduce the number of business opportunities to market downtown properties to commercial and residential clients. He understands the Borough's budgetary constraints, but asked Council to take advantage of the concessions offered by the Trinity Church which would allow parking for future generations at an incredible low cost. Mr. Fleagle stated that MSI "stands ready" to work with

the Church in the long-term maintenance needs and cost of this lot, thereby belaying the need for taxpayers' assistance in such a project.

Paul Gunder, 9932 Mentzer Gap Road - Mr. Gunder noted that he and his business partner, Dr. Bob Zimmerman, own several properties downtown (John Wallace and Waynesboro Theater). Through these investments, they are doing their part in bringing vitality back to the downtown area. Many others are also doing their part by "resurrecting" older buildings in the downtown, such as the Morningstars and WACCO Properties. He mentioned the Waynesboro Theater, in particular, as relying heavily on the Trinity parking lot for its patrons ... also Rainbow Gymnastics, which provides tremendous opportunities for young gymnasts. It is his hope that these businesses can continue, as they keep people coming back to Waynesboro. He urged Council to be cognizant of the signal it would send to people of the community by not participating in some way to the Trinity parking lot.

Robert "Lynn" Ross, 71 W. Main Street (Rainbow Gymnastics) - Mr. Ross noted that Rainbow Gymnastics currently has several hundred students (throughout the week) from Mercersburg, Hagerstown, Shippensburg, Gettysburg, Fairfield, Sabillasville, Sharpsburg and Boonsboro. Practices range from a minimum of 50 minutes to three (3) hours ,, and their parents, instead of dropping them off, will park in the Trinity parking lot and be customers of the downtown merchants in Waynesboro. (These are people who would not normally shop in downtown Waynesboro.) During competitions, the parking lot is a "God-send", as parking along Main Street is quickly filled up. He added that the patrons of his establishment greatly appreciate the available parking and show their appreciation by using what downtown Waynesboro has to offer. Councilman Martin asked if Rainbow Gymnastics would be willing to pay to help support the parking lot. Mr. Ross responded that it has been a struggle for them to remain in business (because of the economy); but as business seems to increase during the winter months, he stated they would help if they could.

Pastor Sue D'heedene, 40 W. North Street (Pastor of Trinity United Church of Christ) - Pastor Sue noted that Trinity Church, over the years, has had a good faith contract with the Borough in providing this important asset to the community and the downtown area; and the Borough's constraints in this regard are very much understood. When events are held in downtown Waynesboro, the parking lot is full. The church's Board is willing to work with Pat Fleagle (MSI) in soliciting business owners to see what can be done collectively as far as a fund for maintenance needs. Their offer of rent in the amount of \$1.00/year is reasonable; and the Borough's biggest remaining cost would be snow removal and maintenance. Being "last on the list" for snow removal is not a problem, but being in a collaborative relationship with the Borough and participating in the renewal of Waynesboro *is* important. She respectfully requested Council's careful consideration.

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar noted the benefit of having plenty of parking in downtown Waynesboro; and that can be "sold" to people considering moving into the downtown. Other communities who have parking garages have said they are terribly expensive and inefficient. Trinity Church has reduced the yearly rent for the lot from \$1800/year to \$1/year, and several very productive meetings have been held. Mr. Morningstar added that the downtown merchants and property owners are willing to work together, but need some time to collect their thoughts and develop a plan. It is important that all parties to this situation work together ... and that appears to be happening. He added that he is aware of a prospective donor for memorial tree plantings in the parking lot, so that it "matches" the Rotary parking lot more; and once a decision is made on the lot, they are ready to get "back on track" with that project. Councilman Martin asked if Mr. Morningstar is willing to pay for the parking his business(es) utilize in the lot; and Mr. Morningstar noted he is. Councilman Martin asked who will provide maintenance for the trees when they are planted. Mr. Morningstar noted that they could be maintained by cooperative effort of the Borough and MSI, at a cost of approximately

\$13.50/tree (just as the trees along Main Street and in the Rotary lot have been maintained for 10+ years).

Councilman Driscoll asked Pastor Sue for various information, including particular times when Trinity Church requires parking, parking requirements for the Senior Center housed at their facility, and the need for handicapped parking spaces. Pastor Sue noted that the Senior Center moved to their building in September – some of those individuals drive, but others come by van and/or walk. She noted that seniors are at the Center during the week (Monday thru Friday) from approximately 10:30 a.m. to 2:00 p.m., and at those times the lot close to the church is full. She added there have always been handicapped parking spaces, but the number has increased slightly now to seven (7). In addition, Trinity Nursery School is held Monday thru Friday – so parents are dropping off children in the morning and picking them up in the afternoon, so the lot gets congested at those times also. Trinity Church has services on both Sunday mornings and evenings.

Councilman Martin asked about annual costs for sweeping, plowing and removing snow in the Trinity lot. Mr. Hamberger noted that the current contract requires the Borough to remove the snow when there is a minimum of 10" (under that, they are not required to do anything). He added that, during discussions on the matter of restructuring the lease for the lot, it was agreed that snow would *not* be removed on an overtime basis. Discussion was also held regarding modifying the section of the lease that deals with maintenance to clarify the meaning of “keep and maintain surface of lot in good repair”.

Councilman Newcomer made a motion to continue with the contract, as negotiated at \$1.00/year; the snow removal provision is to remain, however removal is to take place only with a minimum of 10" of snow and be on a “straight time” basis (Monday thru Friday, during regular business hours); and a modification is to be made to Section 2 which will better define “keeping and maintaining” the paving of the surface of the lot. He explained that if a property owner’s sidewalk needs repaired, the Borough requires him to fix the sidewalk at his cost. Constituents of the Borough should not be expected to pay the costs for repairing a parking lot that is not owned by the Borough but leased for the public’s use. Maintenance of the trees, etc. would also be the responsibility of the parking lot’s owner. He explained that the “old” contract contained a statement that the Borough would “keep and maintain the paving of the surface of the lot” – in lieu of taking the matter to court to determine the full meaning of that statement, the Borough and Trinity Church (during their discussions on the matter) came to an agreement that the Borough would seal the lot, repair three (3) areas of the lot discussed during that meeting, and repair and re-line the parking spaces for handicapped use. It was clarified that Mr. Newcomer’s motion was to renegotiate the contract under the above-stated terms. Councilman Driscoll seconded. Councilman Martin suggested the matter be tabled until these items are fully defined (prior to taking a vote on the matter). Councilman Newcomer then amended his motion that he (specifically) renegotiate the terms of a proposed agreement and return the matter to Council for a final vote. President Mumma agreed, but noted that a member of the managerial staff (Mr. Hamberger or Mr. Cohen) should also be involved in the negotiations. Councilman Driscoll seconded the amendment; the amended motion passed unanimously.

EXECUTIVE SESSION: Council then adjourned to an executive session regarding potential litigation at 8:05 p.m. They returned to regular session at 8:21 p.m.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Newcomer noted that favorable performance evaluations were received for Jason Cohen and Mike Ely, however no action was required. In addition, another member of the Planning Commission has submitted his resignation; and there are now two (2) vacancies on this Board, which creates difficulty in meeting the requirement for a quorum. This, along with several other items, will be presented during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. One (1) item will be presented during the “voting” section.

STREET COMMITTEE: No report. The next Street Committee meeting will be held on 10/26 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report. The next Downtown Revitalization Committee meeting will be held on 10/27 at 9:30 a.m.

FINANCE COMMITTEE: No report.

MAYOR’S REPORT: The Mayor’s Report was as follows –

“On October 13th, along with Manager Hamberger, Assistant Manager Cohen, and Councilmen Greenawalt, Martin, Mumma and Newcomer, I attended the WGAL’s Town Hall meeting.

On October 18th, I attended the Greater Chamber of Commerce’s mixer at Gold’s Gym.

Also on the 18th, along with 12 other individuals, we met as members of the World Trade Center Artifact Committee.”

SOLICITOR’S REPORT: Solicitor Wisner noted that he has reviewed the proposed Rental Inspection Ordinance and will discuss his comments with Lloyd Hamberger. Also, they are still working on bidding requirements for the stormwater project (including some testing being done by the engineer). In addition, he reported that final comments on the proposed Floodplain Ordinance have not yet been received from Wesley Winter (DCED). A hearing will be required in order to adopt the ordinance by the required deadline of 01/18/2012. Councilman Newcomer questioned why money is still being spent for engineering work with regard to the stormwater project. Mr. Grubbs explained that he is keeping a close watch on the invoices, but this recent work was due to the contractors’ concern about hitting rock.

Councilman Martin noted that he has heard concern and comments from contractors regarding the required bonding for bidding the project – when they are involved in numerous projects and they reach a certain amount, they are not able to obtain bonds for additional projects. He suggested that the Borough look into various bonding options with the pipe/culvert suppliers vs. the contractors. Solicitor Wisner noted some immediate concerns with that concept (because of PENNVEST requirements and the Public Works Contractors Law that requires any public works contractor to post a bond in 110% value of the work). He stated that he will look into ways to be creative but still work within the confines of the law.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Newcomer noted that Doyle Helfrick’s term on the Planning Commission was due to expire on 10/20/11. Mr. Doyle was contacted and stated he was not willing to be reappointed. Accordingly, Mr. Newcomer made a motion to accept Mr. Helfrick’s resignation (a letter of appreciation will be sent for his service). Councilman Martin seconded; the motion passed unanimously.

Councilman Newcomer made a motion to grant a step increase for John Baumgardner to salary level 9E. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Newcomer made a motion to grant a step increase for Jamie Shindledecker to salary level 5B. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Newcomer made a motion to grant a step increase for Kerry Smith to salary level 5B. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Driscoll made a motion to amend the Park Rules to comply with State law. Councilman Greenawalt seconded; the motion passed unanimously.

UNFINISHED BUSINESS

PARKING ORDINANCE MODIFICATION: Mr. Hamberger noted that an ordinance was prepared to address compact car parking at 47 W. Main Street, pursuant to Council's direction at the last meeting. The proposed ordinance will be advertised for Council's consideration at their 11/02 meeting. Council concurred.

NEW BUSINESS

REQUEST RE: CHRISTMAS PARADE (CHAMBER OF COMMERCE): Mr. Hamberger presented a request from the Chamber of Commerce for the Borough's maintenance crew to hang decorations for the holiday season during the week of November 14th, to close Main Street on 11/18 for the Tree Lighting Ceremony, and to close Main Street on 11/19 for the Christmas parade to begin at 2:00 p.m. Councilman Greenawalt made a motion to approve the requests, as outlined in their correspondence dated 10/07. Councilman Martin mentioned their note regarding closing the entrance/exit to Turkey Hill. It was clarified that only the C.V. Avenue access will be closed. Councilman Greenawalt amended his motion for approval to include the statement that only the C.V. Avenue access to Turkey Hill can be closed during the parade. Councilman Driscoll seconded; the motion passed unanimously.

REQUEST FOR TEMPORARY STREET CLOSURE (FAIRVIEW ELEMENTARY PTO): Mr. Hamberger noted that this matter was discussed at Council's previous meeting, however concerns were mentioned regarding access to residents' homes along W. Third Street. The PTO has contacted the affected residents and provided a response to the Borough's concerns. Accordingly, the staff has no problems with the requested temporary street closure. Councilman Greenawalt made a motion to approve the request. Councilman Driscoll seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY: Mr. Hamberger announced that Council will hold a budget meeting immediately following this meeting; and another will be held the following Wednesday (10/26) at 7:00 p.m.

Councilman Martin requested information on a recent break-in at the golf course. Mr. Hamberger noted that when the Golf Course Manager arrived on 10/13, he found that the rear door had been damaged. The key to the carts was taken, and several carts were driven on the course (one of which was wrecked). The Police Department is investigating the incident and will increase their patrols. In addition, a new alarm system and additional lighting will be installed at the course. Councilman Martin requested that Council be informed of matters of this nature in a more timely fashion.

PAY BILLS: Councilman Newcomer made a motion to approve the payment of Voucher Lists dated 10/11, 10/11 and 10/13. Councilman Greenawalt seconded. Councilman Martin noted his displeasure with the procedure for check approvals (checks are produced and a listing emailed to Council; there is

a three-day waiting period for any concerns to be noted; and if there are no concerns, the checks are mailed out.) A vote was then called. The motion passed 4-1 (Councilman Martin opposed).

COUNCIL AND STAFF COMMENTS: Kevin Grubbs reported that a revised Reimbursement Agreement was received from PENNDOT, which is the final step in the bidding process for the rapid flashing beacon crosswalk lights. Council received copies of the revision, which Solicitor Wisner has reviewed and approved. The agreement provides for 100% reimbursement to the Borough for their total costs up to \$87,900 for installation of the lights. Councilman Newcomer made a motion to move forward with execution of the revised Reimbursement Agreement. Councilman Driscoll seconded; the motion passed unanimously.

Kevin Grubbs presented another proposed agreement with PENNDOT for the Borough's access to the ECMS (regarding bid information and the electronic filing of Highway Occupancy Permits). The engineering staff recently attended a seminar regarding the system, and this agreement is required for the Borough to become a "business partner" and utilize the system at no cost. Councilman Martin made a motion to approve the agreement, as presented. Councilman Greenawalt seconded. Mr. Grubbs was requested to include the stormwater project in this system, if possible. The motion then passed unanimously.

Jason Cohen reported that he received information from the Franklin County Area Tax Bureau that the third-quarter year-to-date cost of collections for the Borough's EIT and LST was 1.91% (vs. 2.98% last year).

Fire Chief Martin reported that their annual hose testing will take place on Saturday morning (10/22) on Ninth Street. The street will be open to the public for use, but will be somewhat congested.

Police Chief King noted that the Waynesboro Police Department will partner with the DEA in hosting a National Drug Take-Back Initiative on 10/29 from 10:00 a.m. to 2:00 p.m. in the parking lot to the rear of Borough Hall. Prescriptions and over-the-counter solid dosage medicines (tablets and capsules) will be collected. The change in this collection is that liquid products and creams (in their original containers) will also be accepted. Intravenous solutions, injectables and needles will *not* be accepted. Illicit substances (such as marijuana and methamphetamines) are not part of this initiative.

Chief King reminded Council of the Drug Task Force's upcoming breakfast meeting on 10/28 in Chambersburg.

Councilman Newcomer voiced his opinion that the Town Meeting held recently by WGAL (Channel 8) was poorly communicated to the Borough, as officials were not contacted directly regarding the meeting. During the meeting, residents discussed the crosswalks in downtown Waynesboro. Mr. Newcomer stated that Council has done all they can to make the crosswalks visible and safe for pedestrians, but education of the people using the crosswalks (and the motorists) is what would really make a difference. President Mumma suggested that individuals who witness a violation obtain the license number and immediately call the police. However, Chief King advised that they would have to be able to indicate who was driving the vehicle. Councilman Martin then stated he feels the key element in solving the problem is enforcement. Chief King responded that the Police Department *does* enforcement the crosswalk laws ... however they can't just watch crosswalks, as there are other crimes being committed in the Borough which must be handled. Councilman Martin argued that, with 18 officers on the force, there were only 12 citations/warnings issued with regard to the right-of-way of pedestrians in crosswalks (which calculates to less than 1 per officer in 160 hours).

Mayor Starliper mentioned three (3) buildings on Main Street, which were discussed in the past because of their state of disrepair. Dan Sheffler stated that they are "structurally sound", so there is little the Borough can do. Discussion followed regarding several suggestions, but Solicitor Wisner noted there are matters of litigation which need to be discussed before any action is taken. Pat Fleagle

agreed with Council's frustration from a building maintenance standpoint, and stated that MSI "stands ready" to assist in any way.

Having no further business to discuss, the meeting adjourned to a budget meeting at 9:06 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant